

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

signed 9/4/02

ROBERT DELLAIRO,
Plaintiff

v.

TIMOTHY GARLAND,
Defendant

Civil No. 02-42-B-C

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge having filed with the Court on July 25, 2002, with copies to the *pro se* Plaintiff and to counsel, her Recommended Decision on Motion to Dismiss 42 U.S.C. § 1983 Complaint in the above-entitled matter (Docket No. 15); and the time for filing objections thereto having expired without any objections having been filed; *see* 28 U.S.C. § 636(b)(1); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and this Court concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (2) Defendant's Motion to Dismiss (Docket No. 11) is hereby **DENIED**.

GENE CARTER
District Judge

Dated at Portland, Maine this 4th day of September, 2002.
[Counsel List Follows]

ROBERT DELLAIRO
 plaintiff

ROBERT DELLAIRO
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v.

TIMOTHY GARLAND
 defendant

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